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In re Patent No. 6,750,163	:	
Wang, et al.	:	DECISION ON REQUEST FOR
Issue Date: June 15, 2004	:	RECONSIDERATION OF
Application No. 09/829,527	:	PATENT TERM ADJUSTMENT
Filed: April 10, 2001	:	UNDER 37 C.F.R.
Attorney Docket No. 659/1326	:	\$ 1.705(d)

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)", filed June 21, 2004. Patentees request that the patent term adjustment indicated on the patent be corrected from two hundred twenty-nine (229) days to two hundred ninety-five (295) days.

The request for reconsideration of the patent term adjustment indicated on the patent is **DISMISSED**. Patentees are given **thirty (30) days** to respond to this decision. No extensions of time will be granted under 37 C.F.R. § 1.136(a).

On June 15, 2004, the above-identified application matured into U.S. Patent No. 6,750,163. The instant request for reconsideration filed June 21, 2004, was timely filed within 30 days of the date the patent issued. See § 1.705(d). The patent

issued with a patent term adjustment of 229 days. Patentees state that the determination of patent term adjustment of 229 days should have been increased by 66 days (for a total of 295 days of patent term adjustment) for the number of days between "the date of filing and the issue date."

Patentees' argument is not well-taken. As the 66 days of delay overlap with the 229 days of patent term adjustment accorded, this delay does not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 C.F.R. § 1.703(f). See also Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004).

In view thereof, the correct determination of PTA at the time of issuance is two hundred twenty-nine (229) days (including 6 days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application file is being forwarded to Files Repository.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (703) 305-0272.

Kerry Fries
for

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